

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Jeremiah F. Herbert,

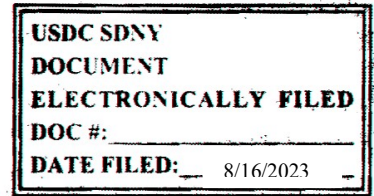
Plaintiff,

-against-

Charles Lynch, et al.,

Defendants.

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7:22-CV-6303 (VR)

ORDER

VICTORIA REZNIK, United States Magistrate Judge:

Pending before the Court are several letter motions filed by the Plaintiff raising potential discovery issues. Specifically, on February 3, 2023, Plaintiff filed a Notice of Motion for “Discovery Demands and Provisions Civil Rule 33.3.” (ECF No. 24). Thereafter, on July 6, 2023, Plaintiff filed a letter and motion, identifying a potential discovery issue and requesting a settlement conference and appointment of pro bono counsel. (ECF Nos. 45, 46). On July 11, 2023, the Court denied Plaintiff’s request for appointment of pro bono counsel and deferred ruling on Plaintiff’s “potential motion to compel discovery and request for a settlement conference.” (ECF No. 47).

On August 16, 2023, the Court held a telephone Status Conference with the parties to discuss the status of discovery and to resolve any outstanding discovery disputes. During the conference, Plaintiff confirmed that only two discovery issues remain: (1) his request for surveillance footage of the hallways at the Sullivan County facility and (2) his request for copies of his deposition transcripts. For the reasons discussed at the conference, Defense counsel is directed to (1) search for the surveillance footage of the hallways that Plaintiff requested and

(2) provide Plaintiff with a copy of his deposition transcripts. The parties are also directed to submit a joint letter, providing the Court with a status update on the two foregoing issues, by no later than **September 1, 2023**.

In light of the parties' confirmation that Plaintiff has no outstanding discovery requests beyond the two outlined above, Plaintiff's February 3 discovery motion (ECF No. 24) and July 6 letter and motion (ECF Nos. 45, 46) are **DENIED** as moot. Further, because Defendants stated that they are unwilling to engage in settlement discussions at this time, Plaintiff's request for a Settlement Conference is **DENIED**, without prejudice to renew at a later stage of the proceedings.

The Clerk of Court is directed to terminate the pending motions at ECF Nos. 24, 45, 46. The Clerk of Court is further directed to mail a copy of this order to Plaintiff at his current address at Clinton Correctional Facility, 1156 Route 374, P.O. Box 2001, Dannemora, New York, 12929-2000.

SO ORDERED.

DATED: White Plains, New York
August 16, 2023



VICTORIA REZNIK
United States Magistrate Judge